

c/m

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Hearing Date: August 15, 2016
Time: 10:30 a.m.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GUSTAVIA HOME, LLC,

Civil Action No.: 16-cv-02823 (BMC)

Plaintiff,

against-

ROBERT R. RUTTY; and JOHN DOE "1" through "12",
said persons or parties having or claimed to have a right,
title or interest in the Mortgaged premises herein, their
respective names are presently unknown to the Plaintiff,

Defendants.
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DECLARATION IN OPPOSITION TO MOTION TO DISMISS

Randy J. Schaefer, Esq., pursuant to 28 U.S.C. §1746, an attorney admitted to practice law
in the State of New York, declares under penalty of perjury that the foregoing is true and correct:

1. I am associated with The Margolin & Weinreb Law Group, LLP, attorneys for
Gustavia Home, LLC ("Gustavia") plaintiff in the above-referenced foreclosure matter and I make
this Declaration in Opposition to the Motion to Dismiss filed by Robert R. Rutty (the "Defendant"
or "Rutty") filed on July 29, 2016 (the "Motion to Dismiss"). For the following reasons,
Defendant's Motion to Dismiss must be denied.

This declaration is stricken for failure to comply with Local Civil Rule 7.1(b) and this Court's Individual
Practice Rule III(B)(2). Plaintiff is not pro se, and having chosen to bring this action in federal court, is going
to have to comply with the procedures applicable here. A compliant opposition must be filed forthwith or the
motion to dismiss will be granted. The Initial Status Conference is adjourned sine die pending
determination of the motion.

SO ORDERED: 8/8/16